

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 507, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-28-11-4 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2003]: **Sec. 4. A health facility that possesses unused medication**
- 6 **that meets the requirements of IC 25-26-14-25(i)(1) through**
- 7 **IC 25-26-14-25(i)(6) shall return the medication to the pharmacy**
- 8 **that dispensed the medication."**
- 9 Page 4, line 23, strike "may use the pharmacist's professional
- 10 judgment as".
- 11 Page 4, line 24, strike "to whether to" and insert "**shall**".
- 12 Page 4, line 24, delete "(i)." and insert "**(i) if the medication meets**
- 13 **the requirements set forth in this section. If the prescription drug**
- 14 **was paid for by the state Medicaid program, the pharmacy shall**
- 15 **submit an adjustment form to the office in the manner prescribed**
- 16 **by the office of Medicaid policy and planning to credit the state**
- 17 **Medicaid program for the cost of the prescription drug."**
- 18 Page 4, delete lines 27 through 42, begin a new paragraph and
- 19 insert:
- 20 "SECTION 2. IC 25-26-19 IS ADDED TO THE INDIANA CODE

AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2003]:

Chapter 19. Regional Drug Repository Program

Sec. 1. The definitions in IC 25-26-13-2 apply throughout this chapter.

Sec. 2. As used in this chapter, "nonprofit health clinic" means the following:

(1) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).

(2) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).

(3) A nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured.

Sec. 3. (a) The board may organize a voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics.

(b) The board may enter into a voluntary agreement with any of the following to serve as a regional drug repository:

(1) A pharmacist or pharmacy.

(2) A drug manufacturer.

(3) A wholesale drug distributor.

(4) A hospital.

(5) A health care facility.

(6) A nonprofit health clinic.

(c) A regional drug repository must hold a controlled substances registration issued under IC 35-48-3.

(d) A regional drug repository may not receive compensation for participation in the program.

Sec. 4. Unadulterated drugs, including a medication that has been returned under IC 25-26-13-25(i), may be donated without a prescription or drug order to the regional drug repository program by the following:

(1) A pharmacist or pharmacy.

(2) A drug manufacturer.

(3) A wholesale drug distributor.

(4) A hospital.

(5) A health care facility.

(6) A hospice.

(7) A practitioner.

1 **Sec. 5. A drug that is given by a regional drug repository to a**
 2 **nonprofit health clinic may not be:**

3 (1) sold; or

4 (2) given to a patient except upon a practitioner's prescription
 5 or drug order.

6 **Sec. 6. (a) Except in cases of bad faith or willful misconduct, any**
 7 **person, including a drug manufacturer, that donates a drug to the**
 8 **regional drug repository program and any nonprofit health clinic**
 9 **or practitioner who accepts or dispenses drugs under the program**
 10 **is not:**

11 (1) subject to disciplinary actions; or

12 (2) liable for civil or criminal actions for the injury, death, or
 13 loss to a patient;

14 **for matters related to the donation, acceptance, or dispensing of a**
 15 **drug under the program.**

16 (b) Except in cases of bad faith or willful misconduct, a drug
 17 manufacturer is not liable for civil or criminal actions for any drug
 18 that was made by the drug manufacturer concerning the failure to
 19 transfer or communicate product or consumer information or the
 20 expiration date of the drug donated under the program.

21 (c) Except in cases of bad faith or willful misconduct, a regional
 22 drug repository is not liable for civil or criminal actions for the
 23 injury, death, or loss to a patient related to the donation,
 24 acceptance, or dispensing of a drug under the program.

25 **Sec. 7. The board may adopt rules under IC 4-22-2 to:**

26 (1) establish standards and procedures for accepting, storing,
 27 and dispensing drugs donated under this chapter;

28 (2) establish the types of drugs that may be donated; and

29 (3) administer this chapter.

30 **SECTION 3. IC 34-30-2-101.5 IS ADDED TO THE INDIANA**
 31 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 32 **[EFFECTIVE JULY 1, 2003]: Sec. 101.5. IC 25-26-19-6 (Concerning**

- 1 **drugs donated to a regional drug repository program).".**
- 2 Page 5, delete lines 1 through 2.
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 507 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Miller

Chairperson